

## CITY COUNCIL ATLANTA, GEORGIA

A RESOLUTION

01- R-1167

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

# A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$5000.00 IN SETTLEMENT OF THE CLAIM OF LYDIA WALKER AGAINST THE CITY OF ATLANTA

WHEREAS, LYDIA WALKER has filed a claim against the City of Atlanta seeking damages arising out of personal injuries sustained when she fell on a hazardous and dangerous sidewalk on November 8, 1999 located at Forsythe Street between Garnett Street and Trinity Avenue; and

WHEREAS, the hazardous condition of this sidewalk had existed for such time that the City of Atlanta had implied notice of its condition; and

WHEREAS, the City has made the necessary repairs to this sidewalk and it is no longer a hazard; and

WHEREAS, the construction and maintenance of public roads is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$6,747.73 and has agreed to accept the sum of \$5,000.00 in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of LYDIA WALKER be settled for the sum of \$5,000.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$5,000.00 be paid by the City of Atlanta in satisfaction of any and all claims LYDIA WALKER may have stemming from damages sustained to her on or about November 8, 1999 at Forsythe Street between Garnett Street and Trinity Avenue.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above-mentioned sum from account number 1A01/529017/T31001.

A true copy,

Phonda Dauphin Johnson

Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

AUG 06, 2001

AUG 15, 2001

### DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. <u>99L0887</u>	Date: 7/12/01
Claimant /Victim LYDIA WALKER	
BY: (Atty)	41 - 4 - C '- CW 20221
Address: 3948 Rutgers Drive, SW A	tianta, Georgia SW 30331
Subrogation: Claim for Property d	lamage \$ Bodily Injury \$6,747.73 lethod: Written, proper X Improper
Date of Notice: 12/8/99 M	lethod: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5	X Ante Litem (6 Mo.) X
Date of Occurrence 11/8/99	Place: Forsythe Street between Garnett Street and Trinity Avenue Division: Street Operations
Department Public Works	Division: Street Operations
Employee involved	Disciplinary Action:
NATURE OF CLAIM: The claimant allege	es that she sustained injuries when she fell on the sidewalk, and
broke two teeth, split her lip and broke her f	inger. The investigation determined that the sidewalk was in a
hazardous condition that had existed for suc	th time that the City of Atlanta had implied notice of its condition.
	this sidewalk and it is no longer a hazard.
INVESTIGATION:	
	V Oil V William V Oral V
Statements: City employeeClair	mant X Other X Written X Oral X
Pictures X Diagrams Rep	ports: Police Dept Report OtherX
Traffic citations issued: City Driver	Claimant Driver
Citation disposition: City Driver	Claimant Driver
BASIS OF RECOMMENDATION:	
Function: Governmental	Ministerial X
Improper Notice More than Six	Months Other Damages reasonable
City not involved	Offer rejected Compromise settlement X
Repair/replacement by Ins. Co.	Repair/replacement by City Forces
Claimant Negligent City Neg	Repair/replacement by City Forces
	Respectfully submitted,
	100 th at 1100 and a
	INVESTIGATOR - ALEXIS HOLMES
	INVESTIGATOR - ALEXIS HOLINES
RECOMMENDATION:,	
P. C. 5 000 00 Advanta	Spacest abargad: 1401 V 2101 2H01
Pay \$ 5,000.00 Adverse	Account charged: 1A01X
Claims Manager: /////////	Council Action
Committee Action:	Counch Action
FORM 23-61	

#### COUNCIL OF THE CITY OF ATLANTA MUNICIPAL CLERK

City Hall 55 Trinity Avenue, S.W. Atlanta, Georgia 30335

8

**RE: CLAIMFOR DAMAGES** 

Today's Date: 12/6/99

ENTERED - 12-29-99 - SB

Dear	Municipa	al Clerk:
------	----------	-----------

Dear Municipal Clerk:		99L088/ - MI	RE REEVES
This is to notify the City of Atlanta to and/or $\frac{6}{747}$ , $\frac{73}{73}$ bodily in	hat I have suffered jury for which I co	damages in the amount ntend the City is liable.	sum of \$ property
I. Date of incident: // 6 (month/day	/ 99 / year)	2. Police called	Yes No
3. Location of incident: For Su	the St	between Gas	Mett and Trinity Ave
. Name of your insurance company:	Physica	ian's Mutua	Policy No
			it included in letter.
			aught in a ridge in nymylip adbreaking a fin
RESULT IN YOUR CLAIM BEIN	G DENIED AND N	MAY RESULT IN CRIMI	MAKING OF FALSE CLAIMS WILL NAL PROSECUTION!
estimates of repair and proof of of Your vehicle:  (make)		(tag number)	(driver's name)
City vehicle:(make)			
· · · · · · · · · · · · · · · · · · ·	(City drive	er's name)	(department/hureau)
	(City drive	er's name)	(department/bureau)
	(City drive	er's name) (address)	(department/bureau) (telephone number)
Witness:(name)	ım ın no wav waiv	(address) les the Sovereign immun	(telephone number)  ity of the City of Atlanta, as granted by
(name)  The acknowledgement of this class State law, nor is it an admission	im in no way waiv of liability on beha	(address) es the Sovereign immun lf of the City of Atlanta	(telephone number)  ity of the City of Atlanta, as granted by
(name)  The acknowledgement of this class State law, nor is it an admission	im in no way waiv of liability on beha ediately to the add	(address)  Tes the Sovereign immun  If of the City of Atlanta  Iress shown above.  E  Lydic	(telephone number)  Ity of the City of Atlanta, as granted by and/or its employee(s).  Andker
(name)  The acknowledgement of this class State law, nor is it an admission  This claim should be mailed imm  HEREBY SWEAR OR AFFIRM	im in no way waiv of liability on beha ediately to the add	(address)  Tes the Sovereign immun  If of the City of Atlanta  Iress shown above.  E  Lydic	(telephone number)  ity of the City of Atlanta, as granted by
(name)  The acknowledgement of this class State law, nor is it an admission  This claim should be mailed imm  HEREBY SWEAR OR AFFIRM	im in no way waiv of liability on beha ediately to the add	(address)  Tes the Sovereign immun  If of the City of Atlanta  Iress shown above.  E  Lydic	(telephone number)  Ity of the City of Atlanta, as granted by and/or its employee(s).  Andker
(name)  The acknowledgement of this classtate law, nor is it an admission  This claim should be mailed imm  HEREBY SWEAR OR AFFIRM	im in no way waiv of liability on beha ediately to the add	(address)  Tes the Sovereign immun  If of the City of Atlanta  Iress shown above.  E  Lydic	(telephone number)  ity of the City of Atlanta, as granted by and/or its employee(s).  Alker (claimant's name)  ulgers Dr SW (address)

# Atlanta City Council

#### Regular Session

CONSENT

Pages 1-15

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED

ON CONSENT AGENDA

ADOPT

YEAS: 15

NAYS: 0

0

NOT VOTING:

EXCUSED: 0 ABSENT 0

Unanimous ABSTENTIONS:

Y McC Y Sta Y Bon Y Win	irnes Y	Woolard Y Morris Y	Moore Martin Maddox Boazman	Y Y	Emmons Alexander Pitts	ITEM (S) REMOVED FROM CONSENT AGENDA 01-O-1106 01-R-1200
						01-R-1217

			08/06/01 Council
TOPAC	ITEMS	ITEMS	Meeting ITEMS
ITEMS ADOPTED ON	ADOPTED ON	ADVERSED	ADVERSED
CONSENT	CONSENT	ON CONSENT	ON CONSENT
AGENDA	AGENDA	AGENDA	AGENDA
AGENDA	AGENDA	AGENDA	NGLI (DI
1. 01-0-1081	29. 01-R-1141	48. 01-R-1041	76. 01-R-1209
2. 01-O-1083	30. 01-R-1142	49. 01-R-1042	77. 01-R-1210
3. 01-O-1084	31. 01-R-1143	50. 01-R-1043	78. 01-R-1211
4. 01-O-1085	32. 01-R-1144	51. 01-R-1149	79. 01-R-1212
5. 01-O-1123	33. 01-R-1145	52. 01-R-1151	80. 01-R-1213
6. 01-O-1126	34. 01-R-1146	53. 01-R-1152	
7. 01-O-1105	35. 01-R-1147	54. 01-R-1153	
8. 01-O-1120	36. 01-R-1148	55. 01-R-1154	
9. 01-R-1130	37. 01-R-1189	56. 01-R-1155	
10. 01-R-1131	38. 01-R-1190	57. 01-R-1156	
11. 01-R-1132	39. 01 <b>-</b> R-1191	58. 01-R-1157	
12. 01-R-1187	40. 01-R-1192	59. 01-R-1158	
13. 01-R-1188	41. 01-R-1193	60. 01-R-1159	
14. 01-R-1224	42. 01-R-1194	61. 01-R-1160	
15. 01-R-1227	43. 01-R-1195	62. 01-R-1161	
16. 01 <b>-</b> R-1228	44. 01-R-1196	63. 01-R-1162	
17. 01-R-0103	45. 01-R-1197	64. 01-R-1163	
18. 01-R-1226	46. 01-R-1198	65. 01-R-1164	
19. 01-R-0971	47. 01-R-1199	66. 01-R-1165	
20. 01-R-1167		67. 01-R-1166	
21. 01-R-1168		68. 01-R-1201	
22. 01-R-1215		69. 01-R-1202	
23. 01-R-1218		70. 01-R-1203	
24. 01-R-1136		71. 01-R-1204	
25. 01-R-1137		72. 01-R-1205	
26. 01-R-1138		73. 01-R-1206	
27. 01-R-1139		74. 01-R-1207 75. 01-R-1208	
28. 01-R-1140		75. U1-K-12U6	

	First Reading	ading	FINAL COUNCIL ACTION
01-1167	Date Chair C T IN		□2nd □1st & 2nd □3rd ✓ Readings ✓
(Do Not write Above Tris Line)	Committee /	Committee	日Consent ロV Vote IMRC Vote
SOLUTION CAPPER AND	/ Date/	Date	CERTIFIED
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE	7/8//0/ Chair	Chair	
A RESOLUTION AUTHORIZING THE		Action:	
SETTLEMENT OF THE CLAIM OF LYDIA WALKER, IN THE AMOUNT OF \$5,000.00	Fav, Adv, Hold (see rev. side) Other:	Fav, Adv, Hold (see rev. side) Other:	AUG 0 6 2007
AGAINST THE CITY OF ATLANTA TO BE PAID FROM ACCOUNT NUMBER 1A01-620017 T31001	Members	Members	ATLANTA CITY COUNCIL PRESIDENT
	See Constitution of the Co		
APPROVED BY:	Charles fradan		
Donne John House	Refer To	Refer To	
11.	Committee	Committee	Con Aug e 6 2001
DEPUT CITTATIONNET ADOPTED BY	Date	Date	MUNICIPAL CLERK
_	Chair	Chair	
D ADVERTISE & HEFER  1 1st ADOPT 2nd READ & REFE <b>GOUNCIL</b> D PERSONAL PAPER REFER	Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)	MAYOR'S ACTION
Date Referred	Other:	Other:	
Referred To:	Members	Members	APPROVED
Date Referred			AUG 1 5 2001
Referred To:			WITHOUT SIGNATURE
Date Referred	Refer To	Refer To	
Referred To:			